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who made the sale, as against the presumption in favor of the highest bid as a just criterion of the value of the property, and the uncontradicted evidence afforded by affidavits of 14 responsible citizens and landowners, whose property either adjoined or lay in the immediate vicinity of the land in controversy, that it brought a fair price.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 735, 740.]

**3. Judicial Sales (§ 31 (2)\*)—Setting Aside—Inadequacy of Price.**—It was error to set aside a judicial sale of land solely because after the sale an advanced bid of less than 10 per cent. was made.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 735, 773.]

Appeal from Circuit Court, Madison County.

Suit by F. S. Graves, a life tenant, against Lena M. Graves and others, as remaindermen, for the sale of land for reinvestment. There was a sale of the land, and Basil W. Lillard, purchaser at the sale, appeals from a decree setting aside the sale. Reversed and remanded, with instructions.

*Chapman & Averill*, of Stanardsville, for appellant.

*Will A. Cook*, of Madison, for appellees.

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MALLORY *v.* VIRGINIA COLONY FOR THE FEEBLE-MINDED.

June 13, 1918.

[96 S. E. 172.]

**1. Insane Persons (§ 19\*)—Inquisition—Feeble-Mindedness.**—Laws 1916, c. 388, defining feeble-mindedness, and providing for the examination, commitment, and care of feeble-minded persons, does not contemplate that the committing judge shall have tried the issue whether feeble-mindedness existed or not; such question being for the commission created to try such issue.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 668.]

**2. Constitutional Law (§ 306\*)—Insane Persons (§ 7\*)—Due Process—Commitment of Feeble-Minded Persons.**—Laws 1916, c. 388, defining feeble-mindedness, and providing for the examination, commitment, and custody of feeble-minded persons, requiring a petition to be filed before the court, judge, or justice designated, raising the issue of fact whether a person is feeble-minded, whereupon a warrant is to be issued ordering the alleged feeble-minded person to be

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

brought before the court and tried by the commission, is not invalid for failing to provide for due process of law.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 207-212; 7 Va.-W. Va. Enc. Dig. 668.]

**3. Insane Persons (§ 17\*)—Commitment—Jurisdiction.**—Under Laws 1916, c. 388, providing for the commitment of feeble-minded persons, a petition under oath inaugurating the proceedings and the issuance of a warrant are essential to the jurisdiction of the commission to adjudicate that the person in question is feeble-minded.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 668.]

*(Additional Syllabus by Editor.)*

**4. Courts—Special Statutory Jurisdiction—Procedural Requirements.**—Where a proceeding is entirely statutory and a special jurisdiction is conferred upon the court by statute, the statutory requirements as to procedure are jurisdictional and must be at least substantially complied, otherwise any order in the case will be null and void.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 847.]

Petition by Nannie W. Mallory against the Virginia Colony for the Feeble-Minded for a writ of habeas corpus. Petition granted.

*P. A. L. Smith* and *R. W. Ivey*, both of Richmond, for petitioner.

*Caskie & Caskie*, of Lynchburg, for respondent.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.